



Legal Avenues

Your Road to Solutions

Delving Into Ohio Legislative History

Why does a law include specific provisions? What did the legislature intend when the law was written? These are questions that are not easily answered, but there are resources that can provide information about the legislative background and intent of particular laws.

Text of the Law

To discover the history of an Ohio law, the researcher can start by looking at the current law in an annotated version of the *Ohio Revised Code (ORC)*. Both the Page's and Baldwin's versions of the *ORC* include citations to related session laws.

The Stark County Law Library has print copies of the session laws and they are available online through the Ohio General Assembly's website dating back to the 1997-1998 122nd session.¹ Uncodified sections of law sometimes lay out legislative intent. The full text of the law includes these uncodified sections.²

Legislative Service Commission Resources

The Ohio Legislative Service Commission (LSC) bill analyses, synopses and fiscal notes provide additional information. They are available online dating back to 1998 at the Legislative Service Commission website.³ The law library has older analyses on microfilm. The commission usually does an initial analysis of the bill when it is assigned to a committee and updated analyses as the bill moves through the legislative process. Different versions of the bills and different versions of the LSC analyses can be compared to see

the changes the bill has undergone.

The Legislative Service Commission maintains a bill file that includes printed testimony distributed at committee hearings. The Commission microfilms these bill files and provides copies of them to the Ohio Historical Society.⁴

Records Created by the Ohio Legislature

Journals of the House of Representatives and the Senate provide information about amendments proposed to bills, sponsors of the bills and committee votes.⁵ These are available on the General Assembly's website dating back to 2003 for the House and 2005 for the Senate. The law library can request print copies of specific older sections of the journals from other larger law libraries. The courts tend to give significant consideration to the *Journals* as a source of determining legislative intent.⁶

The Ohio Channel provides video coverage of debates on bills and resolutions that are scheduled for a vote. The recordings are archived back to 1997.⁷

The *Digest of Enactments* (formerly the *Summary of Enactments*) summarizes the bills passed during a legislative session. It includes a list of revised code sections affected and commentary on the effects of specific provisions. Occasionally, the Supreme Court of Ohio has cited *Digest* entries as evidence of legislative intent.⁸

Ohio Judicial Conference Information

Impact statements related to enacted legislation back to 2001 are available on the Ohio Judicial Conference website in the legislative library section under the "Judges and Courts Resources" link. The statements outline the effects pending legislation could

Footnotes

¹<http://www.legislature.state.oh.us/acts.cfm>

²http://www.sconet.state.oh.us/Publications/lib_series/4.pdf

³<http://www.lsc.state.oh.us/bills/>

⁴<http://www.lsc.state.oh.us/membersonly/128legislativehistory.pdf>, 14.

⁵*Ibid.*, 6.

⁶http://www.sconet.state.oh.us/Publications/lib_series/4.pdf

⁷<http://www.lsc.state.oh.us/membersonly/128legislativehistory.pdf>, 14 and <http://www.ohiochannel.org/>

⁸http://www.sconet.state.oh.us/Publications/lib_series/4.pdf

have on the state's justice system.⁹

Newspapers and Commercial Databases

Newspaper articles may be another source of information about legislation. The *Columbus Dispatch* provides extensive coverage of the legislature's actions. Other large Ohio newspapers such as the *Cleveland Plain Dealer* and *Cincinnati Enquirer* include discussion of legislative issues. The *Ohio State Bar Journal* and *Ohio State Law Journal* also provide coverage of some legislative topics.¹⁰

Two subscription online services provide daily updates on legislation, the *Hannah (Ohio) Capitol Connection Report* and *Gongwer Ohio Legislative Report*.¹¹

When investigating legislative changes, the researcher often needs to see previous versions of a statute. The library has electronic access to older versions of the *Ohio Revised Code* on its Westlaw service dating back to 1994, and has pre-1994 versions in print and on microfiche.

If the researcher is looking for an older bill that was considered by the legislature, but never passed, the Supreme Court of Ohio Law Library has the pre-1997 unenacted bills in print.¹² The newer unenacted bills are available on the General Assembly's website.

Legislative History Research Guides

Attorney David Gold of the Ohio Legislative Service Commission has created an excellent guide to legislative history, which summarizes the content of the various sources. It is available on the Commission's website.¹³

The University of Cincinnati provides a legislative history research guide with a step-by-step listing of how to work from the information in the *Ohio Revised Code* to locate the session law(s) and the associated legislative history documents related to that code section.¹⁴ The guide explains what information various documents contain and where they can be located.

The Cleveland-Marshall College of Law also has a helpful research guide. It includes a chart comparing federal and Ohio legislative history documents.¹⁵

The Stark County Law Library staff is here to help attorneys track down the necessary documents when they are looking for legislative history. Just call or email us with your research question.

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Footnotes

⁹<http://www.ohiojudges.org/Legislative/judicial-impact-statements>

¹⁰<http://guides.law.csuohio.edu/content.php?pid=372313&sid=3056013>

¹¹<http://guides.libraries.uc.edu/content.php?pid=330758&sid=2705610>

¹²http://www.sconet.state.oh.us/Publications/lib_series/4.pdf

¹³<http://www.lsc.state.oh.us/membersonly/128legislativehistory.pdf>

¹⁴<http://guides.libraries.uc.edu/content.php?pid=330758&sid=2705610>

¹⁵<http://guides.law.csuohio.edu/content.php?pid=372313&sid=3056013>

Active links to the resources listed in this article are available on the Stark County Law Library's website at: www.starklawlibrary.org